

ENTERED

September 12, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

| | | |
|-----------------|---|------------------------------|
| JOE DEREK CARR, | § | |
| | § | |
| Petitioner, | § | |
| VS. | § | CIVIL ACTION NO. 2:18-CV-285 |
| | § | |
| LORIE DAVIS, | § | |
| | § | |
| Respondent. | § | |

OPINION AND ORDER OF TRANSFER


This is a habeas action filed on September 10, 2018, by a state prisoner incarcerated at the McConnell Unit in Beeville, Texas, which is located in Bee County. (D.E. 1). In his petition, Plaintiff challenges his February 11, 2014 Travis County, Texas murder and tampering with evidence convictions and sentences. (DE 1).

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); *Wadsworth v. Johnson*, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in the Corpus Christi Division of the Southern District of Texas, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in Travis County in the Austin Division of the Western District of Texas, 28 U.S.C. § 124(d)(1).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). A habeas application may be

transferred in furtherance of justice to the district court within which the state court was held which convicted and sentenced the petitioner. 28 U.S.C. § 2241(d). Because petitioner was convicted in Travis County, it is more convenient and would further the interests of justice for this action to be handled in the Austin Division of the Western District of Texas. The records of his conviction and the prosecutor and defense lawyers are all located in the Austin Division of the Western District of Texas.

ORDERED this 11th day of September, 2018.


Jason B. Libby
United States Magistrate Judge